

## FOREWORD

The purpose of this environmental impact statement (EIS) is to provide information on potential environmental impacts that could result from a Proposed Action to construct, operate and monitor, and eventually close a geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste at the Yucca Mountain site in Nye County, Nevada. The EIS also provides information on potential environmental impacts from an alternative referred to as the No-Action Alternative, under which there would be no development of a geologic repository at Yucca Mountain.

### U.S. Department of Energy Actions

The Nuclear Waste Policy Act, enacted by Congress in 1982 and subsequently amended, establishes a process leading to a decision by the Secretary of Energy on whether to recommend that the President approve Yucca Mountain for development of a geologic repository. As part of this process, the Secretary of Energy is to:

- Undertake site characterization activities at Yucca Mountain to provide information and data required to evaluate the site.
- Decide whether to recommend approval of the development of a geologic repository at Yucca Mountain to the President.

If the Secretary recommends the Yucca Mountain site to the President, the Nuclear Waste Policy Act, as amended in 1987 (the EIS refers to the amended Act as the NWPA), requires that a comprehensive statement of the basis for the recommendation, including the Final EIS, accompany the recommendation. The Department of Energy (DOE) has prepared this Final EIS so the Secretary can consider it, including the public input on the Draft EIS and on the Supplement to the Draft EIS, in making a decision on whether to recommend the site to the President.

The NWPA requires DOE to hold hearings in the vicinity of Yucca Mountain to provide the public with opportunities to comment on the Secretary's possible recommendation of the Yucca Mountain site to the President. If, after completing the hearings and site characterization activities, and after considering other information, the Secretary decided to recommend that the President approve the site, the Secretary would notify the Governor and Legislature of the State of Nevada accordingly. No sooner than 30 days after any such notification, the Secretary may submit the recommendation to the President to approve the site for development of a repository.

### Presidential Recommendation and Congressional Action

If, after a recommendation by the Secretary, the President considered the site qualified for application to the Nuclear Regulatory Commission for a construction authorization, the President would submit a recommendation of the site to Congress. The Governor or Legislature of Nevada may object to the recommendation of the site by submitting a notice of disapproval to Congress within 60 days of the President's action. If neither the Governor nor the Legislature submits such a notice within the 60-day period, the site designation would become effective without further action by the President or Congress. If, however, the Governor or the Legislature submits such a notice, the site would be disapproved unless, during the first 90 days of continuous session of Congress after the notice of disapproval, Congress passed a joint resolution of repository siting approval and the President signed it into law.

## **Actions To Be Taken after Site Designation**

If a site designation became effective, the NWPAA provides that the Secretary of Energy shall submit to the Nuclear Regulatory Commission an application for a construction authorization for a repository no later than 90 days after the date on which the recommendation of the site designation becomes effective. The NWPAA requires the Nuclear Regulatory Commission to adopt DOE's Final EIS to the extent practicable as part of the Nuclear Regulatory Commission's decisionmaking on the License Application.

## **Decisions Related to Potential Environmental Impacts Considered in the EIS**

This EIS analyzes a Proposed Action to construct, operate and monitor, and eventually close a geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain. The EIS also analyzes a No-Action Alternative, under which DOE would not build a repository at the Yucca Mountain site, and spent nuclear fuel and high-level radioactive waste would remain at 72 commercial and 5 DOE sites across the United States. The No-Action Alternative is included in the EIS to provide a basis for comparison with the Proposed Action.

As part of the Proposed Action, which DOE has identified as its preferred alternative, the EIS analyzes the potential impacts of transporting spent nuclear fuel and high-level radioactive waste to the Yucca Mountain site from 77 sites across the United States. This analysis includes information on such matters as the comparative impacts of truck and rail transportation nationally and in Nevada, as well as impacts in Nevada of alternative intermodal (rail-to-truck) transfer stations, associated routes for heavy-haul trucks, and alternative corridors for a branch rail line.

DOE believes that the EIS provides the environmental impact information necessary to make certain broad transportation-related decisions, namely the choice of a national mode of transportation outside Nevada (mostly rail or mostly legal-weight truck), the choice among alternative transportation modes in Nevada (mostly rail, mostly legal-weight truck, or heavy-haul truck with use of an associated intermodal transfer station), and the choice among alternative rail corridors or heavy-haul truck routes with use of an associated intermodal transfer station in Nevada.

DOE has identified mostly rail as its preferred mode of transportation, both nationally and in the State of Nevada. At this time, however, the Department has not identified a preference among the five potential rail corridors in Nevada.

If the Yucca Mountain site was approved (designated), DOE would issue at some future date a Record of Decision to select a mode of transportation. If, for example, mostly rail was selected (both nationally and in Nevada), DOE would then identify a preference for one of the rail corridors in consultation with affected stakeholders, particularly the State of Nevada. In this example, DOE would announce a preferred corridor in the *Federal Register* and other media. No sooner than 30 days after the announcement of a preference, DOE would publish its selection of a rail corridor in a Record of Decision. A similar process would occur in the event that DOE selected heavy-haul truck as its mode of transportation in the State of Nevada. Other transportation decisions, such as the selection of a specific rail alignment within a corridor, would require additional field surveys, State and local government and Native American tribal consultations, environmental and engineering analyses, and appropriate National Environmental Policy Act reviews.